

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JOSEPH WITTE,**

**Plaintiff,**

**v.**

**No. CIV-14-1084 SCY/LAM**

**BLUE CROSS BLUE SHIELD  
OF NEBRASKA and  
TRANSCANADA USA SERVICES  
INC. RETIREE PPO PLAN,**

**Defendants.**

**ORDER AMENDING BRIEFING SCHEDULE**

**THIS MATTER** is before the Court pursuant to the parties' *Stipulation Regarding Withdrawal of Plaintiff's Motion to Modify Discovery Deadline and Briefing Schedule and Joint Request to Modify Briefing Schedule* (Doc. 33), filed August 11, 2015. In addition to stating that they are withdrawing their opposed motion to modify the discovery deadline and briefing schedule, the parties ask the Court to extend the briefing schedule set forth in Document 25. The Court notes that the parties should have filed a separate motion to ask for an extension of the briefing schedule, instead of filing it as part of a stipulation. *See* D.N.M. Administrative Order 92-88 (May 4, 1992) (explaining that parties shall "submit a separate pleading for each matter upon which adjudication or a ruling of the Court is sought"). Nevertheless, having considered the stipulation and record of the case, the Court **FINDS** that the parties' request is well taken and the briefing schedule shall be modified.

**IT IS THEREFORE ORDERED** that: (1) the parties' cross motions and opening briefs on Plaintiff's ERISA claims shall be filed **on or before August 31, 2015**; (2) response briefs are

due on or before September 22, 2015; and (3) reply briefs are due on or before October 16, 2015.

**IT IS SO ORDERED.**

  
**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**